



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Zoning Map and Planning Code Text Change

HEARING DATE: APRIL 18, 2013

Project Name: **Establish the Outer Mission Street NCD**
Case Number: 2013.0281TZ [Board File No. 130084]
Initiated by: Supervisor Avalos/ Introduced January 29, 2013
Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation: **Recommend Approval with Modifications**

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PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code by adding a new section to establish the Outer Mission Street Neighborhood Commercial District along Mission Street between Alemany Boulevard and the San Francisco-San Mateo County line; repeal the Excelsior Alcohol Restricted Use District and add controls on liquor establishments to the new Neighborhood Commercial District; amend various sections to make conforming and other technical changes; amend the Zoning Map to rezone specified properties to the new Neighborhood Commercial District; and make environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

The Way It Is Now:

- Properties along Mission Street between Alemany Boulevard and the San Francisco-San Mateo County line are zoned *Neighborhood Commercial, Small-Scale* (NC-2) and *Neighborhood Commercial, Moderate Scale* (NC-3). Properties around the intersection of Geneva Avenue and Naples Street are zoned *Neighborhood Commercial, Cluster* (NC-1). Properties between Alemany Boulevard and Mission Street on Geneva Avenue and the property at the corner of Rolph and Naples are zoned RH-1. (See Exhibit C for a map of existing zoning.)
- The Excelsior Alcohol Restricted Use District (RUD) includes properties that front on Mission Street from Silver Avenue to the San Francisco-San Mateo County line. The RUD prohibits new liquor establishments selling alcoholic beverages for off-site consumption.
- RH-1, NC-1, NC-2 and NC-3 Districts have minimum parking requirements that are outlined in Planning Code Section 151.
- There are no special restrictions on Medical Cannabis Dispensaries (MCDs) in this area of the City.
- The Alcohol RUD is within the Fringe Financial Services RUD, which prohibits Fringe Financial Services (aka check cashing or pay day loan businesses) within $\frac{1}{4}$ of a mile of the district.

- The Planning Code currently permits a five foot height bonus for properties zoned 40-X and 50-X in the NC-3 District along Mission Street from Silver Avenue to the SF-SM County boarder.

The Way It Would Be:

The proposed legislation would:

- Create a new named Neighborhood Commercial District along Mission Street between Alemany Boulevard and the San Francisco-San Mateo County line with size and use controls similar to NC-3 controls. The proposed district would also include properties zoned NC-3 on Ocean Avenue between Alemany Blvd. and Mission St., and on Geneva between Mission and Alemany Blvd. Properties currently zoned NC-1 at the intersection of Geneva Avenue and Naples Street, four properties zoned RH-1 on Geneva between Mission and Alemany and one property zoned RH-1 on the corner of Rolph and Naples would also be included in the proposed NCD. (See Exhibit D for map of proposed zoning.)
- Institute maximum parking controls within the Outer Mission Street NCD, as outlined under Section 151.1. Parking would be capped at one parking space per dwelling unit. Commercial uses would have the standard parking maximums outlined in Planning Code Section 151.1
- Remove the Excelsior Alcohol Restricted Use District, but preserve the prohibition on new liquor stores in the proposed NCD. Grocery stores would be permitted to have off-sale alcohol licenses.
- Maintain the prohibition on Fringe Financial Services in the proposed NCD.
- Provide a five foot height bonus for properties zoned 40-X and 50-X for the entire district.
- Institute a 500 foot buffer between MCDs.

ISSUES AND CONSIDERATIONS

General NC and Named Neighborhood Commercial Districts

NC-1 Districts are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhoods primarily during daytime hours. NC-1 Districts are characterized by their location in residential neighborhoods, often these districts consist of a small cluster of ground floor commercial uses in an otherwise residential area of the City. The commercial intensity of these districts varies. Many of these districts have the lowest intensity of commercial development in the City, generally consisting of small clusters with three or more commercial establishments, commonly grouped around a corner; and in some cases short linear commercial strips with low-scale, interspersed mixed-use (residential-commercial) development.

NC-2 Districts are intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets that provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes. These districts range in size from two or three blocks to many blocks, although the commercial development in longer districts may be interspersed with housing or other land uses.

NC-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience

goods and services to the surrounding neighborhoods. NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes. NC-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings typically range in height from two to four stories with occasional taller structures.

Named Commercial Districts are generally of the same scale and intensity as NC-2 Districts; however this proposed NCD has controls similar to NC-3 Districts. There are currently 27 named NCDs in the City. Some of the oldest named NCDs in the City include the Broadway, Castro, Upper Fillmore, Haight and Inner and Outer Clement NCDs, and there is a trend to create more individually named NCDs throughout the City. These types of districts allow for more tailored controls and help to protect or enhance unique characteristics associated with a neighborhood. Changes that are made to a named commercial district only apply to that district, whereas changes made to NC-1, NC-2 and NC-3 Districts apply citywide. For example, if a named NCD wants to control the number of nail salons because of a perceived overconcentration, then the controls for that named NCD can be changed to prohibit or require Conditional Use authorization for Personal Service uses. Conversely, if a neighborhood wants to encourage a type of use, the controls for that named NCD can be changed so that use is principally permitted.

Alcohol Restricted Use District and Fringe Financial Services Restricted Use Districts

The Excelsior Alcohol RUD and the Fringe Financial Services RUD were added to this stretch of Mission Street because of community concern over an over-concentration of liquor stores and check cashing stores. Because this area was zoned as a general zoning district, NC-2 and NC-3, Liquor Stores and Fringe Financial Services could not be prohibited outright without changing the zoning for all NC-2 and NC-3 Districts throughout the City. If this stretch of Mission Street has its own named NCD, the RUDs are no longer needed to control for the over proliferation of these two uses.

NCD Height Controls

San Francisco's commercial height districts tend to be base ten numbers such as 40, 50, etc. These base ten districts may lead to buildings that are similar in height to the neighboring buildings but that are lesser in human comfort than buildings of similar scale built prior to the City's height limits. This is due to the desire to maximize the number of stories in new projects. Recent community planning efforts have highlighted some failings of these base 10 height districts. The 2008 Market & Octavia¹ and Eastern Neighborhoods² Plans recognize that the base ten height limits in neighborhood commercial districts often encourage inferior architecture. For this reason, both of these plans sought to encourage more active and attractive ground floor space by giving a five foot height bonus to buildings which meet the definition of "active ground floor" use. This five foot increase must be used for adding more space to the ground floor.

¹ Ord. 72-08, File No. 071157, App. 4/3/2008.

² Ord. 297-08, 298-08, 299-08 and 300-08, App. 12/19/2008.

In 2008, Supervisor Sandoval sponsored a similar text amendment that extended this height increase outside of established plan areas to provide for a maximum five foot special height exception for active ground floor uses in the NC-2 and NC-3 designated parcels fronting portions of Mission Street³. Another amendment introduced by Supervisor Avalos in 2009 that now allows a maximum five foot height increase in certain NC-1 parcels in District 11⁴. Most recently, Geary Boulevard, Inner Clement, Outer Clement, the new Outer Sunset NCDs, 24th-Noe Street NCD and NC-2 zoned portions of Balboa Street were added to the list of zoning districts that allow the 5' height bonus.

The proposed Ordinance would not allow an additional floor to new projects. A 40-X and 50-X height limit can accommodate a maximum of four and five floors, respectively. Since the additional five foot height can only be used on the ground floor, the height limit still can only accommodate the same number of floors.

Density

The proposed Outer Mission Street NCD will have the same density controls as those in NC-3 District. RH-1, NC-1 and NC-2 zoning districts all have lower densities than NC-3 district. RH-1 density is basically one dwelling unit per lot, while NC-1 and NC-2 districts allow 1 dwelling unit per 800 sq. ft. of lot area. NC-3 Districts permit 1 dwelling unit per 600 sq. ft. of lot area. On a typical 2,500 sq. ft. lot a property that was previously zoned NC-1 or NC-2 would have been permitted to have 3 dwelling units; under the proposed zoning these properties would be permitted to have 4 dwelling units. The surrounding area of the proposed NCD has a very low density. Most of the lots are zoned RH-1 (single-family) and RH-2 (two-family). Further, Mission Street is a major transit corridor and the General Plan calls for adding housing near transit (Housing Element, Policy 13.1), and encouraging housing that relies on transit use (Housing Element, Policy 12.1).

MCDs

Based on the Potential MCD Locations Map prepared by the Planning Department in 2010, there are three areas within the proposed NCD that contain potential sites for MCDs⁵; around Mission Street between Alemany Boulevard and Silver Avenue toward the north of the proposed NCD, around the intersection of Mission Street and Geneva Avenue in the middle of the proposed NCD, and around the intersection of Mission and Sickles Avenue at the south end of the proposed NCD. (See exhibit E for map.) Already there are three MCDs in the proposed NCD, one toward the north end of the proposed NCD at 4218 Mission Street, and two in the middle of the proposed NCD at 5234 Mission St, and 5258 Mission St. A 500' buffer would potentially limit the establishment of additional MCDs in the proposed NCD toward its southern end.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

³ Ord. 321-08, File no. 081100, App. 12/19/2008.

⁴ Ord. [5-10](#), File No. 090319, App. 1/22/2010

⁵ The MCD map prepared by the Planning Department shows areas that are (1) zoned to allow new MCDs and (2) not located within 1000' of a School. The map does not indicate uses which further restrict MCD locations including (1) community facilities, (2) recreation buildings and (3) substance abuse treatment centers.

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modification* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The proposed modifications include:

1. Under the list of NC-1 parcels included in the proposed NCD change 5405 to 6405.
2. Move Blocks 6802 and 6803 from the list of NC-3 parcels included in the proposed NCD to the list of NC-2 parcels included in the proposed NCD.
3. Add The Outer Mission Street NCD to the list of Zoning Districts in Section 201
4. Modify Section 263.20 per the changes outlined in Exhibit F
5. Remove the Excelsior Alcohol SUD from table 702.3

BASIS FOR RECOMMENDATION

The Department supports creating an individually named neighborhood commercial district for the Outer Mission Neighborhood because named NCDs help to preserve and enhance the character of a neighborhood and they also help create a sense of identity. Alcohol restrictions and fringe financial restrictions have been implemented in this neighborhood in response to an over proliferation of both in the area. Creating a new named NCD for this area will allow these restricted use districts to be removed from the Planning Code, exchanging cumbersome overlays with more targeted controls.

Parking Maximums

The Department supports the removal of the parking minimums because it is consistent with the City's Transit First policy, the General Plan and because it will help increase the supply of housing in the City. A recent study done by Michael Manville at UCLA found that there is a strong correlation between the elimination of parking mandates and increase housing supply⁶. The study found that when parking requirements are removed, developers provide more housing and less parking, and also that developers provide different types of housing: housing in older buildings, in previously disinvested areas, and housing marketed toward non-drivers. Minimum parking requirements result in more space being dedicated to parking than is really needed; height limits, setback requirements, open space requirements and other development regulations leave less space for actual housing units. Further, because of the active street frontage requirements in the Planning Code, parking in newer buildings is typically provided underground, and underground parking spaces are expensive costing between \$30,000 and \$50,000 each or more. Developers recoup those costs by including it in the cost of housing.

Increase Density

The Department also supports the modest increase in density that will occur for properties not currently zoned NC-3 because it will help add to the City's housing stock and encourage the creation of more affordable housing units. The neighborhoods surrounding the proposed NCD have an extremely low density, with the majority of properties zoned RH-1 (single-family) or RH-2 (two-family). Compared to this type of low-density housing, multifamily housing consumes less material per unit to build, uses less land, is more energy efficient, and requires less utility infrastructure. While increasing supply does not

⁶ http://www.its.ucla.edu/research/rpubs/manville_aro_dec_2010.pdf

guarantee affordability for everyone or even that prices will see a net drop, more housing supply will drive prices lower than they would have been absent that increased supply, and that helps affordability across the board. Further, increasing the density along Mission Street, a major transit corridor, places the density in the most appropriate location and helps to bring more activity and vitality to the commercial corridor.

MCD Restrictions

The Department supports the 500 foot buffer for MCDs in the proposed NCD because it will help prevent clustering of MCDs in the neighborhood while not prohibiting them outright. As with all land uses, an over concentration of any one use erodes the vibrancy and economic diversity of a neighborhood. MCDs are unique in that there are only so many areas of the City where they are allowed to locate, and this neighborhood has three areas of a significant size that allow MCDs. As detailed above, three MCDs have already moved into the neighborhood. The proposed 500 foot buffer will help ensure that there isn't an over concentration of MCDs, but still allow for this vital service to be located within other areas of the proposed NCD.

Discontiguous District

The proposed NCD includes an existing NC-1 district that is located less than a ¼ mile from the main portion of the proposed NCD. While this portion of the NCD is discontiguous with the rest of the district, the Department supports its inclusion because it is so close to the main portion of the proposed NCD, sharing similar land use concerns such as the over proliferation of liquor stores and fringe financial stores. MCDs are not permitted in this area already because of its close proximity to a school. Further, as mentioned above the density increase is a modest increase and will help add to the City's housing stock and encourage the creation of more affordable housing units.

Recommendations 1-2

These recommendations are intended to fix minor errors in the Ordinance. They have been vetted with the Supervisor Avalos's office and do not change the intended boundaries of the proposed district.

Recommendations 3-5

These recommendation are clerical in nature and do not affect the proposed District.

ENVIRONMENTAL REVIEW

The proposal ordinance would result in no physical impact on the environment. The Project was determined to be exempt from the California Environmental Quality Act ("CEQA") under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)) as described in the determination contained in the Planning Department files for this Project.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received a few inquiries about the proposed NCD, but no statements of support or opposition.

RECOMMENDATION: Recommendation of Approval with Modification
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 120796
- Exhibit C: Map of Existing Zoning
- Exhibit D: Map of Proposed Zoning
- Exhibit E: Map of Potential MCD sites
- Exhibit F: Clerical changes to Section 263.20
- Exhibit G: Environmental Determination



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Resolution

HEARING DATE: APRIL 18, 2013

Project Name: **Establish the Outer Mission Street NCD**
Case Number: 2013.0281TZ [Board File No. 130084]
Initiated by: Supervisor Avalos/ Introduced January 29, 2013
Staff Contact: Aaron Starr, Legislative Affairs
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Recommendation: **Recommend Approval with Modifications**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY ADDING A NEW SECTION TO ESTABLISH THE OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ALONG MISSION STREET BETWEEN ALEMANY BOULEVARD AND THE SAN FRANCISCO-SAN MATEO COUNTY LINE; REPEAL THE EXCELSIOR ALCOHOL RESTRICTED USE DISTRICT AND ADD CONTROLS ON LIQUOR ESTABLISHMENTS TO THE NEW NEIGHBORHOOD COMMERCIAL DISTRICT; AMEND VARIOUS SECTIONS TO MAKE CONFORMING AND OTHER TECHNICAL CHANGES; AMEND THE ZONING MAP TO REZONE SPECIFIED PROPERTIES TO THE NEW NEIGHBORHOOD COMMERCIAL DISTRICT; AND MAKE ENVIRONMENTAL FINDINGS, PLANNING CODE, SECTION 302, FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.

PREAMBLE

Whereas, on January 29, 2013, Supervisor Avalos introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 13-0084 which would amend the San Francisco Planning Code by adding a new section to establish the Outer Mission Street Neighborhood Commercial District along Mission Street between Alemany Boulevard and the San Francisco-San Mateo County line; repeal the Excelsior Alcohol Restricted Use District and add controls on liquor establishments to the new Neighborhood Commercial District; amend various sections to make conforming and other technical changes; amend the Zoning Map to rezone specified properties to the new Neighborhood Commercial District; and make environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

Whereas, on April 18, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, on April 10, 2013, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)) as described in the determination contained in the Planning Department files for this Project; and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties; and

Whereas, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends *approval of the proposed Ordinance with modifications* and adopts the attached Draft Resolution to that effect.

The proposed modifications include:

1. Under the list of NC-1 parcels included in the proposed NCD change 5405 to 6405.
2. Move Blocks 6802 and 6803 from the list of NC-3 parcels included in the proposed NCD to the list of NC-2 parcels included in the proposed NCD.
3. Add The Outer Mission Street NCD to the list of Zoning Districts in Section 201
4. Modify Section 263.20 per the changes outlined in Exhibit F
5. Remove the Excelsior Alcohol SUD from table 702.3

Pending ordinances which should be accommodated in this draft ordinance: This note is being provided as a courtesy to the City Attorney and the Clerk of the Board to help identify other Ordinances which may present conflicting amendments as the legislative process proceeds.

1. Sections 263.20 BF 120774 Permitting a Height Bonus in Castro Street and 24th Street NCDs
2. Sections 151.1, 702.1 BF Pending Western SoMa Plan
3. Sections 151.1, 263.20, 702.1, 702.3, 703.3 BF Pending Code Corrections Ordinance 2012
4. Sections 151.1, 263.20, 744.1, 607.1 BF 120796 Divisadero Street NCD

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

- Individually named neighborhood commercial districts help to preserve and enhance the character of a neighborhood and a sense of identity.
- Creating a new named NCD for this area will allow for the Alcohol and Fringe Financial Restricted Use Districts to be removed from the Planning Code, exchanging cumbersome overlays with more targeted controls.
- Removing parking minimums and instituting parking maximums is consistent with the City's Transit First policy, the General Plan and will help increase the supply of housing in the City.
- The modest increase in density will help add to the City's housing stock and encourage the creation of more affordable housing units.
- Placing a 500 foot buffer on Medical Cannabis Dispensaries will help retain the vibrancy and economic diversity of a neighborhood while still allowing this vital service to be located within other areas of the proposed NCD.

1. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

OBJECTIVE 4

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

The proposed legislation would create an individually named Neighborhood Commercial District on Mission Street, which would help to preserve and enhance the character of a neighborhood and create a sense of identity. The proposed changes will also allow this neighborhood to more easily respond to economic and technological innovation in the marketplace and society.

Policy 6.6

Adopt specific zoning districts, which conform to a generalized neighborhood commercial land use and density plan.

As amended, the proposed NCD conforms to the generalized neighborhood commercial land use and density plan published in the General Plan.

II. HOUSNG ELEMENT

THE HOUSING ELEMENT IS INTENDED TO PROVIDE THE POLICY BACKGROUND FOR HOUSING PROGRAMS AND DECISIONS; AND TO PROVIDE BROAD DIRECTION TOWARDS MEETING THE CITY'S HOUSING GOALS. AS WITH OTHER ELEMENTS OF THE GENERAL PLAN, IT PROVIDES THE POLICY FRAMEWORK FOR FUTURE PLANNING DECISIONS, AND INDICATES THE NEXT STEPS THE CITY PLANS TO TAKE TO IMPLEMENT THE HOUSING ELEMENT'S OBJECTIVES AND POLICIES.

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The proposed Ordinance will increase the development potential for lots currently zoned NC-1, NC-2 and RH-1; these lots are located along or adjacent to a major transit corridor, Mission Street. That coupled with their close proximity to a neighborhood commercial shopping district will allow future residents to easily rely on public transportation, walking and bicycling for the majority of daily trips.

OBJECTIVE 7

SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.

Policy 7.5

Encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval processes.

The proposed Ordinance will provide zoning accommodation by remove the minimum paring requirements for dwelling units, which encourages the production of affordable housing.

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.3

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

The proposed Ordinance will allow for a moderate increase in dwelling unit density along a major transit corridor. This moderate increase will have a de minimis impact on surrounding residential district's neighborhood character.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.1

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

By removing minimum parking requirements and moderately increasing the allowable density on some parcels, the proposed Ordinance will encourage new housing along a major transit route; creating housing that relies on transit use and environmentally sustainable patterns of movement.

OBJECTIVE 13

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.1

Support "smart" regional growth that locates new housing close to jobs and transit.

Policy 13.3

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

The proposed Ordinance will increase the housing density along a major transit route and within a Neighborhood Commercial District bringing housing close to jobs in the commercial corridor and transit.

2. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:
 - A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance does not propose significant changes to the controls in the subject Neighborhood Commercial Districts. However, creating named NCDs will allow the district to

respond more easily to emerging issues that may impact opportunities for resident employment in and ownership of neighborhood-serving retail uses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed legislation would create individually named Neighborhood Commercial Districts on Mission Street, which help to preserve and enhance the character of the neighborhood.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will have no adverse effect on the City's supply of affordable housing. Removing the minimum parking controls will encourage more affordable housing in the proposed named NCD.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will have no significant impact on commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed Ordinance. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

- G) That landmark and historic buildings will be preserved:

Landmarks and historic buildings would be unaffected by the proposed Ordinance. Should a proposed use be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The City's parks and open space and their access to sunlight and vistas would be unaffected by the

proposed Ordinance. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on April 18, 2013.

Jonas P Ionin
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 18, 2013

1 [Planning Code, Zoning Map - Establishing Outer Mission Street Neighborhood Commercial District]

2
3 **Ordinance amending the Planning Code, by adding a new section, to establish the**
4 **Outer Mission Street Neighborhood Commercial District along Mission Street between**
5 **Alemaney Boulevard and the San Francisco-San Mateo County line; repealing the**
6 **Excelsior Alcohol Restricted Use District and adding controls on liquor establishments**
7 **to the new Neighborhood Commercial District; amending various sections to make**
8 **conforming and other technical changes; amending the Zoning Map to rezone specified**
9 **properties to the new Neighborhood Commercial District; and making environmental**
10 **findings, Planning Code, Section 302, findings, and findings of consistency with the**
11 **General Plan and the Priority Policies of Planning Code, Section 101.1.**

12
13 NOTE: Additions are *single-underline italics Times New Roman*;
14 deletions are ~~*strike-through italics Times New Roman*~~.
15 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.
Ellipses indicate text that is omitted but unchanged.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. Findings.

18 (a) The Planning Department has determined that the actions contemplated in this
19 ordinance comply with the California Environmental Quality Act (California Public Resources
20 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
21 Supervisors in File No. _____ and is incorporated herein by reference.

22 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
23 amendments will serve the public necessity, convenience, and welfare for the reasons set
24 forth in Planning Commission Resolution No. _____ and the Board incorporates such
25

1 reasons herein by reference. A copy of Planning Commission Resolution No. _____ is on
2 file with the Board of Supervisors in File No. _____.

3 (c) This Board finds that these Planning Code amendments are consistent with the
4 General Plan and with the priority policies of Planning Code Section 101.1 for the reasons set
5 forth in Planning Commission Resolution No. _____, and the Board hereby incorporates
6 such reasons herein by reference.

7
8 Section 2. The San Francisco Planning Code is hereby amended by adding Section
9 745.1, to read as follows:

10 **SEC. 745.1. OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

11 The Outer Mission Street Neighborhood Commercial District is located along Mission Street
12 between Alemany Boulevard and the San Francisco-San Mateo county line. Outer Mission Street is
13 mixed use, combining street-fronting retail businesses on the ground floor and housing on upper floors.
14 The range of comparison goods and services offered is varied and often includes specialty retail stores,
15 restaurants, and neighborhood-serving offices. The area is transit-oriented and the commercial uses
16 serve residents of the area as well as residents and visitors from adjacent and other neighborhoods.

17 The Outer Mission Street Neighborhood Commercial District is intended to provide
18 convenience goods and services to the surrounding neighborhoods as well as limited comparison
19 shopping goods for a wider market. Housing development in new buildings is encouraged above the
20 second story. Existing residential units are protected by limitations on demolitions and upper-story
21 conversions. Parking for residential and commercial uses is not required. Buildings range in height,
22 with height limits generally allowing up to four stories. Lots vary in size, generally small- or medium-
23 sized with some very large parcels.

SEC. 745. OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Outer Mission Street</u> <u>Controls</u>
<u>BUILDING STANDARDS</u>			
<u>745.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 263.20, 270, 271</u>	<u>Generally 40-X; see Zoning Map. Height Sculpting on Alleys; § 261.1 Additional 5 feet in height allowed for Ground Floor Active Uses in 40-X and 50-X height districts; § 263.20</u>
<u>745.11</u>	<u>Lot Size [Per Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 9,999 sq. ft.; C 10,000 sq. ft. & above</u>
<u>745.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at the second story and above: § 134(a)(1)(C)</u>
<u>745.13a</u>	<u>Street Frontage</u>	<u>§ 145.1</u>	<u>Required</u>
<u>745.13b</u>	<u>Street Frontage, Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>Required</u>
<u>745.14</u>	<u>Awning</u>	<u>§ 136.1(a)</u>	<u>P</u>
<u>745.15</u>	<u>Canopy</u>	<u>§ 136.1(b)</u>	<u>P</u>
<u>745.16</u>	<u>Marquee</u>	<u>§ 136.1(c)</u>	<u>P</u>
<u>745.17</u>	<u>Streetscape and Pedestrian Improvements</u>	<u>§ 138.1</u>	<u>Required</u>

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

745.20	<u>Floor Area Ratio</u>	§§ 102.9, 102.11, 123	3.6 to 1 § 124 (a) (b)
745.21	<u>Use Size [Non-Residential]</u>	§ 790.130, § 121.2	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above
745.22	<u>Off-Street Parking, Commercial/Institutional</u>	§§ 145.1, 150, 151.1, 153 - 157, 159 - 160, 204.5	None required. Limits set forth in Section 151.1.
745.23	<u>Off-Street Freight Loading</u>	§§ 150, 153 - 155, 204.5, 152, 161(b)	Generally, none required if gross floor area is less than 10,000 sq. ft
745.24	<u>Outdoor Activity Area</u>	§§ 790.70, 145.2(a)	P if located in front; C if located elsewhere
745.25	<u>Drive-Up Facility</u>	§ 790.30	
745.26	<u>Walk-Up Facility</u>	§§ 790.140, 145.2(b)	P if recessed 3 ft.; C if not recessed
745.27	<u>Hours of Operation</u>	§ 790.48	No Limit
745.30	<u>General Advertising Sign</u>	§§ 262, 602 - 604, 608, 609	
745.31	<u>Business Sign</u>	§§ 262, 602 - 604, 607.1(f)3, 608, 609	P
745.32	<u>Other Signs</u>	§§ 262, 602 - 604, 607.1(c) (d) (g) 608, 609	P

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Outer Mission Street</u>		
			<u>Controls by Story</u>		
		<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
745.38	<u>Residential Conversion</u>	<u>§ 790.84, 317</u>	<u>C</u>	<u>C</u>	<u>C</u>
745.39	<u>Residential Demolition</u>	<u>§ 790.86, 317</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Retail Sales and Services</u>					
745.40	<u>Other Retail Sales and Services</u>	<u>§ 790.102</u>	<u>P #</u>	<u>P #</u>	<u>P #</u>
	<u>[Not Listed Below]</u>				
745.41	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	<u>P</u>	
745.43	<u>Limited-Restaurant</u>	<u>§ 790.90</u>	<u>P</u>	<u>P</u>	
745.44	<u>Restaurant</u>	<u>§ 790.91</u>	<u>P</u>	<u>P</u>	
745.45	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>NP #</u>		
745.46	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>P</u>	
745.47	<u>Adult Entertainment</u>	<u>§ 790.36</u>	<u>C</u>	<u>C</u>	
745.48	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>P</u>	<u>P</u>	
745.49	<u>Financial Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>P</u>	
745.50	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	<u>P</u>	
745.51	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>P</u>
745.52	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>P</u>
745.53	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>P</u>
745.54	<u>Massage Establishment</u>	<u>§ 790.60, § 1900</u>	<u>C</u>	<u>C</u>	
		<u>Health Code</u>			
745.55	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
745.56	<u>Automobile Parking</u>	<u>§§ 790.8, 156, 158.1,</u>	<u>C</u>		

1			<u>160</u>			
2	<u>745.57</u>	<u>Automobile Gas Station</u>	<u>§ 790.14</u>	<u>C</u>		
3	<u>745.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>		
4	<u>745.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	<u>C</u>	
5	<u>745.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	<u>C</u>		
6	<u>745.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	<u>C</u>		
7	<u>745.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	<u>C</u>	
8	<u>745.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	<u>C</u>		
9	<u>745.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	<u>C</u>	<u>C</u>	<u>C</u>
10	<u>745.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>P</u>	<u>P</u>
11	<u>745.66</u>	<u>Storage</u>	<u>§ 790.117</u>	<u>C</u>	<u>C</u>	<u>C</u>
12	<u>745.68</u>	<u>Fringe Financial Services</u>	<u>§ 790.111</u>	<u>#</u>		
13	<u>745.69</u>	<u>Tobacco Paraphernalia</u>	<u>§ 790.123</u>	<u>C</u>		
14		<u>Establishments</u>				
15	<u>745.69B</u>	<u>Amusement Game Arcade</u>	<u>§ 790.4</u>	<u>C</u>		
16		<u>(Mechanical Amusement</u>				
17		<u>Devices)</u>				
18	<u>745.69C</u>	<u>Neighborhood Agriculture</u>	<u>§ 102.35(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>
19	<u>745.69D</u>	<u>Large-Scale Urban Agriculture</u>	<u>§ 102.35(b)</u>	<u>C</u>	<u>C</u>	<u>C</u>
20	<u>Institutions and Non-Retail Sales and Services</u>					
21						
22	<u>745.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	<u>C</u>	<u>C</u>	<u>C</u>
23	<u>745.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	<u>C</u>	<u>C</u>	<u>C</u>
24	<u>745.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>P</u>	<u>P</u>
25	<u>745.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>

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<u>745.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>745.84</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>		
<u>RESIDENTIAL STANDARDS AND USES</u>					
<u>745.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except</u> <u>C for</u> <u>front-</u> <u>ages</u> <u>listed in</u> <u>145.1</u> <u>(d)</u>	<u>P</u>	<u>P</u>
<u>745.91</u>	<u>Residential Density, Dwelling</u> <u>Units</u>	<u>§§ 207, 207.1,</u> <u>790.88(a)</u>	<u>Generally, 1 unit per 600 sq. ft.</u> <u>lot area</u>		
<u>745.92</u>	<u>Residential Density, Group</u> <u>Housing</u>	<u>§§ 207.1, 208,</u> <u>790.88(b)</u>	<u>Generally, 1 bedroom per 210</u> <u>sq. ft. lot area</u>		
<u>745.93</u>	<u>Usable Open Space [Per</u> <u>Residential Unit]</u>	<u>§§ 135, 136</u>	<u>Generally, either 80 sq. ft. if</u> <u>private, or 100 sq. ft. if</u> <u>common § 135(d)</u>		
<u>745.94</u>	<u>Off-Street Parking, Residential</u>	<u>§§ 145.1, 150, 151.1,</u> <u>153- 157, 159- 160,</u> <u>166. 167, 204.5</u>	<u>P up to one car for each unit;</u> <u>NP above</u>		
<u>745.95</u>	<u>Community Residential Parking</u>	<u>§ 790.10, 145.1, 166</u>	<u>C</u>		

SPECIFIC PROVISIONS FOR THE OUTER MISSION STREET

NEIGHBORHOOD COMMERCIAL DISTRICT

<u>Article</u> <u>7 Code</u> <u>Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
§ 745.40	§§ 790.55, 790.102(a), 790.102(b)	<u>OFF-SALE LIQUOR ESTABLISHMENTS</u>
§ 745.45		<u>Boundaries: Outer Mission Street Neighborhood</u>
		<u>Commercial District.</u>
		<u>Controls:</u>
		<u>(a) New Liquor Store uses are not permitted in the district.</u>
		<u>(b) Liquor Store uses may relocate within the district with conditional use authorization.</u>
		<u>(c) General Grocery, Specialty Grocery, and Liquor Store uses with off-sale alcohol licenses shall observe the following good neighbor policies:</u>
		<u>(1) Liquor establishments shall provide outside lighting in a manner sufficient to illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security, without disturbing area residences;</u>
		<u>(2) Advertisements in windows and clear doors are not permitted, and no more than 25 percent of the square footage of the windows and clear doors of liquor establishments shall bear signage of any sort,</u>

and all signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises.

§ 745.68

§ 249.35

FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)

Boundaries: *The FFSRUD and its 1/4 mile buffer includes, but is not limited to, properties within the Outer Mission Street Neighborhood Commercial District.*

Controls: *Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Section 249.35(c)(3).*

§ 745.84

Health Code § 3308

MEDICAL CANNABIS DISPENSARIES

§ 790.141

Boundaries: *Outer Mission Street Neighborhood Commercial District*

Controls:
(a) A Medical Cannabis Dispensary is not permitted within 500 feet of another Medical Cannabis Dispensary use.

(b) A Medical Cannabis Dispensary may only

operate between the hours of 8 am and 10 pm.

Section 3. The San Francisco Planning Code is hereby amended by repealing Section 785, as follows:

~~SEC. 785. EXCELSIOR ALCOHOL RESTRICTED USE DISTRICT.~~

~~(a) Findings. There are an unusually large number of establishments dispensing alcoholic beverages, including beer and wine, for off site consumption in the area located generally on Mission Street from Silver Avenue to the Daly City border. The existence of this many off sale alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety, and general welfare problems in the area, including loitering, littering, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The existence of these problems creates serious impacts on the health, safety, and welfare of residents of nearby single and multiple family areas, including fear for the safety of children, elderly residents, and visitors to the area. The problems also contribute to the deterioration of the neighborhood and concomitant devaluation of property and destruction of community values and quality of life. The number of establishments selling alcoholic beverages for off site consumption and the associated problems discourage more desirable and needed commercial uses in the area.~~

~~(b) Establishment of the Excelsior Alcohol Restricted Use District. In order to preserve the residential character and the neighborhood serving commercial uses of the area, the Excelsior Alcohol Restricted Use District (Excelsior Alcohol RUD) is hereby established for the blocks and lots fronting both sides of Mission Street from Silver Avenue to the Daly City border, as set forth on Sectional Maps SU 11 and SU 12 of the Zoning Maps of the City and County of San Francisco.~~

~~(c) Definitions. The following definitions shall apply to this Section 785:~~

1 (1) ~~"ABC License" shall mean a liquor license issued by the California Department of~~
2 ~~Alcoholic Beverage Control.~~

3 (2) ~~"Liquor establishment" shall mean any enterprise selling alcoholic beverages, as~~
4 ~~defined in California Business and Professions Code Sections 23004 and 23025, pursuant to an ABC~~
5 ~~License.~~

6 (3) ~~"Prohibited liquor establishment" shall mean any establishment selling alcoholic~~
7 ~~beverages lawfully existing prior to the effective date of this ordinance and licensed by the State of~~
8 ~~California for the sale of alcoholic beverages for off-site consumption ("off-sale"), so long as otherwise~~
9 ~~lawful. It shall include an establishment that is defined in Section 790.55 of this Code.~~

10 ~~(d) Controls.~~

11 (1) ~~No new liquor establishments selling alcoholic beverages for off-site consumption~~
12 ~~shall be permitted in the Excelsior Alcohol RUD.~~

13 (2) ~~The prohibition of off-sale liquor establishments shall not be interpreted to prohibit~~
14 ~~the following:~~

15 (A) ~~Temporary uses, as described in Planning Code Section 205.1 or 205.3; or~~

16 (B) ~~Establishment of an off-sale liquor establishment if an application for such~~
17 ~~liquor establishment is on file with the California Department of Alcoholic Beverage Control prior to~~
18 ~~the effective date of this ordinance establishing the Excelsior Alcohol RUD; or~~

19 (3) ~~Continuation of Existing Prohibited Liquor Establishments. In the Excelsior~~
20 ~~Alcohol RUD, any prohibited liquor establishment may continue in accordance with Planning Code~~
21 ~~Section through 186.2. subject to the following provisions:~~

22 (A) ~~A prohibited liquor establishment lawfully existing and selling alcoholic~~
23 ~~beverages as licensed by the State of California prior to the effective date of this legislation, or~~
24 ~~subsequent legislation prohibiting that type of liquor establishment, so long as otherwise lawful may~~
25

1 ~~continue to operate only under the following conditions, as provided by California Business and~~
2 ~~Professions Code Section 23790:~~

3 ~~(i) Except as provided in Subsection (B) below, the premises shall retain~~
4 ~~the same type of retail liquor license within a license classification; and~~

5 ~~(ii) Except as provided in Subsection (B) below, the liquor establishment~~
6 ~~shall be operated continuously, without substantial changes in mode or character of operation.~~

7 ~~(B) A break in continuous service shall not be interpreted to include the~~
8 ~~following, provided that, except as indicated below, the location of the establishment does not change,~~
9 ~~the square footage used for the sale of alcoholic beverages does not increase, and the type of ABC~~
10 ~~License does not change:~~

11 ~~(i) a change in ownership of a prohibited liquor establishment or an~~
12 ~~owner to owner transfer of an ABC License:~~

13 ~~(ii) a temporary closure for restoration or repair of an existing prohibited~~
14 ~~liquor establishment on the same lot after total or partial destruction or damage due to fire, riot,~~
15 ~~insurrection, toxic accident, or act of God;~~

16 ~~(iii) temporary closure of an existing prohibited liquor establishment for~~
17 ~~reasons other than total or partial destruction or damage due to fire, riot, insurrection, toxic accident,~~
18 ~~or act of God for not more than thirty days for repair, renovation, or remodeling; or~~

19 ~~(iv) relocation of an existing prohibited liquor establishment in the~~
20 ~~Excelsior Alcohol RUD to another location within the same Excelsior Alcohol RUD with conditional~~
21 ~~use authorization from the Planning Commission, provided that the original premises shall not be~~
22 ~~occupied by a prohibited liquor establishment unless by another prohibited liquor establishment that is~~
23 ~~also relocating from within the Excelsior Alcohol RUD.~~

24 ~~(e) **Sunset Provision.** This Section 785 shall be repealed five years after its initial effective date~~
25 ~~unless the Board of Supervisors, on or before that date, extends or re-enacts it.~~

1 Section 4. The San Francisco Planning Code is hereby amended by amending
 2 Sections 207.4, 249.35, 263.20, 607.1, and 702.1, to read as follows:

3 **SEC. 207.4. DENSITY OF DWELLING UNITS IN NEIGHBORHOOD COMMERCIAL**
 4 **DISTRICTS.**

5 The density of dwelling units in Neighborhood Commercial Districts shall be as stated
 6 in the following subsections:

7 (a) The rules for calculation of dwelling unit densities set forth in Section 207.1 of this
 8 Code shall apply in Neighborhood Commercial Districts, except that any remaining fraction
 9 of ½ or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to
 10 the next higher whole number of dwelling units.

11 The dwelling unit density in Neighborhood Commercial Districts shall be at a density
 12 ratio not exceeding the number of dwelling units permitted in the nearest Residential District,
 13 provided that the maximum density ratio shall in no case be less than the amount set forth in
 14 the zoning control following table for the district. The distance to each Residential District shall
 15 be measured from the midpoint of the front lot line or from a point directly across the street
 16 therefrom, whichever permits the greater density.

<i>NC District</i>	<i>Residential Density Limits</i>
<i>NC-1</i>	<i>One dwelling unit for each 800 sq. ft of lot area.</i>
<i>NC-2</i>	
<i>NC-S</i>	
<i>Inner Sunset</i>	
<i>Sacramento Street</i>	
<i>West Portal Avenue</i>	
<i>NC-3</i>	<i>One dwelling unit for each 600 sq. ft. of lot area.</i>

1	<i>Castro Street</i>		
2	<i>Inner Clement Street</i>		
3	<i>Outer Clement Street</i>		
4	<i>Upper Fillmore Street</i>		
5	<i>Haight Street</i>		
6	<i>Union Street</i>		
7	<i>24th Street Mission</i>		
8	<i>24th Street Noe Valley</i>		
9	<i>Broadway</i>	<i>One dwelling unit for each 400 sq. ft. of lot area.</i>	
10	<i>Upper Market Street</i>		
11	<i>North Beach</i>		
12	<i>Polk Street</i>		
13			

14 (b) The dwelling unit density for dwellings specifically designed for and occupied by
 15 senior citizens or *physically handicapped* persons with physical disabilities shall be at a density
 16 ratio not exceeding twice the number of dwelling units permitted by the limits set forth in
 17 Subsection (a).

18 (c) The dwelling unit density in NCT Districts, as listed in Section 702.1(b), shall not be
 19 limited by lot area, but by the applicable requirements and limitations elsewhere in this Code,
 20 including but not limited to height, bulk, setbacks, open space, exposure, and unit mix, as well
 21 as by applicable design guidelines, applicable elements and area plans of the General Plan,
 22 and design review by the Planning Department.

23 **SEC. 249.35. FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT.**

24 (a) **Findings.** There are an unusually large number of establishments providing fringe
 25 financial services, including check cashing and payday lending, in the neighborhoods included

1 in the Mission Alcoholic Beverage Special Use District, the North of Market Residential
2 Special Use District, ~~the Divisadero Street Alcohol Restricted Use District~~, the Third Street Alcohol
3 Restricted Use District, and the Haight Street Alcohol Restricted Use Subdistrict ~~and the~~
4 ~~proposed Excelsior Alcohol Restricted Use District~~. The unchecked proliferation of these
5 businesses has the potential to displace other financial service providers, including charter
6 banks, which offer a much broader range of financial services, as well as other desired
7 commercial development in the City, which provides a broad range of neighborhood
8 commercial goods and services.

9 (b) **Establishment of the Fringe Financial Service Restricted Use District.** In order
10 to preserve the residential character and the neighborhood-serving commercial uses of the
11 following defined areas, a noncontiguous Fringe Financial Service Restricted Use District
12 (Fringe Financial Service RUD) is hereby established for the following properties:

13 (1) Properties in the Mission Alcoholic Beverage Special Use District, as
14 described in Section 781.8 of this Code and as designated on Zoning Maps Numbers SU07
15 and SU08 of the Zoning Map of the City and County of San Francisco;

16 (2) Properties in the North of Market Residential Special Use District, as
17 described in Section 249.5 of this Code and as designated on Zoning Maps Numbers SU01
18 and SU02;

19 (3) Properties in the Divisadero Street and Outer Mission Street Neighborhood
20 ~~Commercial Districts Alcohol Restricted Use District, as described in Section 783 of this Code and as~~
21 ~~designated on Zoning Maps Numbers SU02 and SU07 of the Zoning Map of the City and County of San~~
22 ~~Francisco~~;

23 (4) Properties in the Third Street Alcohol Restricted Use District, as described in
24 Section 782 of this Code and as designated on Zoning Map Number SU10 of the Zoning Map
25 of the City and County of San Francisco; and

1 (5) Properties in the Haight Street Alcohol Restricted Use Subdistrict, as
2 described in Section 781.9 of this Code and as designated on Zoning Maps Numbers SU06
3 and SU07 of the Zoning Map of the City and County of San Francisco; ~~and~~

4 ~~(6) Properties in the proposed Excelsior Alcohol Restricted Use District, which included~~
5 ~~Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City-~~
6 ~~San Francisco border as set forth in Special Use District Maps SU11 and SU12 of the Zoning Map of~~
7 ~~the City and County of San Francisco. Inclusion of these properties in the Fringe Financial Service~~
8 ~~RUD shall survive any sunset provisions of the proposed Excelsior Alcohol Restricted Use District.~~

9 * * *

10 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR**
11 **ACTIVE GROUND FLOOR USES IN CERTAIN DISTRICTS.**

12 (a) **Intent.** In order to encourage generous ground floor ceiling heights for commercial
13 and other active uses, encourage additional light and air into ground floor spaces, allow for
14 walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and
15 usability of front stoops, and create better building frontage on the public street, up to an
16 additional 5' of height is allowed along major streets in NCT districts, or in specific districts
17 listed below, for buildings that feature either higher ground floor ceilings for non-residential
18 uses or ground floor residential units (that have direct walk-up access from the sidewalk)
19 raised up from sidewalk level.

20 (b) **Applicability.** The special height exception described in this section shall only
21 apply to projects that meet all of the following criteria:

22 (1) project is located in a 30-X, 40-X or 50-X Height and Bulk District as
23 designated on the Zoning Map;

24 (2) project is located:

25 (A) in an NCT district as designated on the Zoning Map;

1 (B) in the ~~Upper Market Street~~, Inner Clement Street, ~~and~~ Outer Clement
2 Street, Irving Street, Judah Street, Upper Market Street, Outer Mission Street, Noriega Street, and
3 Taraval Street NCDs;

4 (C) ~~on a NC-2 or NC-3 designated parcel fronting Mission Street, from Silver~~
5 ~~Avenue to the Daly City border;~~

6 ~~(D)~~ on a NC-2 designated parcel on Balboa Street between 2nd Avenue
7 and 8th Avenue, and between 32nd Avenue and 39th Avenue;

8 ~~(D)~~ ~~(E)~~ on a NC-1 designated parcel within the boundaries of Sargent
9 Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San
10 Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street
11 and back to Sargent Street; or

12 ~~(E)~~ ~~(F)~~ on a NC-3 designated parcel fronting on Geary Boulevard from
13 Masonic Avenue to 28th Avenue, except for parcels on the north side of Geary Boulevard
14 between Palm Avenue and Parker Avenue;

15 ~~(F)~~ ~~(G)~~ on a parcel zoned NC-1 or NC-2 with a commercial use on the
16 ground floor on Noriega Street west of 19th Avenue;

17 ~~(G)~~ ~~(H)~~ on a parcel zoned NC-1 or NC-2 with a commercial use on the
18 ground floor on Irving Street west of 19th Avenue;

19 ~~(H)~~ ~~(I)~~ on a parcel zoned NC-1 or NC-2 with a commercial use on the
20 ground floor on Taraval Street west of 19th Avenue;

21 ~~(I)~~ ~~(J)~~ on a parcel zoned NC-1 or NC-2 with a commercial use on the
22 ground floor on Judah Street west of 19th Avenue;

23 (3) project features ground floor commercial space or other active use as
24 defined by Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk
25

1 grade, or in the case of residential uses, such walk-up residential units are raised up from
2 sidewalk level;

3 (4) said ground floor commercial space, active use, or walk-up residential use is
4 primarily oriented along a right-of-way wider than 40 feet;

5 (5) said ground floor commercial space or active use occupies at least 50% of
6 the project's ground floor area; and

7 (6) except for projects located in NCT districts, the project sponsor has
8 conclusively demonstrated that the additional 5' increment allowed through Section 263.20
9 would not add new shadow to any public open spaces.

10 (c) One additional foot of height, up to a total of five feet, shall be permitted above the
11 designated height limit for each additional foot of ground floor clear ceiling height in excess of
12 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised
13 above sidewalk grade.

14 * * * (Diagram not shown but not to be deleted.)

15 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL**
16 **DISTRICTS.**

17 * * *

18 (f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in
19 all Neighborhood Commercial and Residential-Commercial Districts subject to the limits set forth
20 below.

21 (1) **NC-1 and NCT-1 Districts.**

22 (A) **Window Signs.** The total area of all window signs, as defined in
23 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
24 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

1 (B) **Wall Signs.** The area of all wall signs shall not exceed one square
2 foot per square foot of street frontage occupied by the business measured along the wall to
3 which the signs are attached, or 50 square feet for each street frontage, whichever is less.
4 The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is
5 attached. Such signs may be nonilluminated or indirectly illuminated; or during business
6 hours, may be directly illuminated.

7 (C) **Projecting Signs.** The number of projecting signs shall not exceed
8 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24
9 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which
10 it is attached. No part of the sign shall project more than 75 percent of the horizontal distance
11 from the street property line to the curblin, or six feet six inches, whichever is less. The sign
12 may be nonilluminated or indirectly illuminated, or during business hours, may be directly
13 illuminated.

14 (D) **Signs on Awnings.** Sign copy may be located on permitted awnings
15 in lieu of wall signs and projecting signs. The area of such sign copy as defined in Section
16 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly
17 illuminated.

18 (2) **RC, NC-2, NCT-2, NC-S, Broadway, Castro Street, Inner Clement Street,**
19 **Outer Clement Street, Upper Fillmore Street, Inner Sunset, Irving Street, Haight Street,**
20 **Hayes-Gough, Judah Street, Upper Market Street, Outer Mission Street, Noriega Street, North**
21 **Beach, Ocean Avenue, Pacific Avenue, Polk Street, Sacramento Street, SoMa, Taraval**
22 **Street, Union Street, Valencia Street, 24th Street - Mission, 24th Street - Noe Valley, West**
23 **Portal Avenue, and Glen Park Neighborhood Commercial Districts.**

1 (A) **Window Signs.** The total area of all window signs, as defined in
2 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
3 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

4 (B) **Wall Signs.** The area of all wall signs shall not exceed two square
5 feet per foot of street frontage occupied by the use measured along the wall to which the
6 signs are attached, or 100 square feet for each street frontage, whichever is less. The height
7 of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the
8 height of the lowest of any residential windowsill on the wall to which the sign is attached,
9 whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

10 (C) **Projecting Signs.** The number of projecting signs shall not exceed
11 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24
12 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which
13 it is attached, or the height of the lowest of any residential windowsill on the wall to which the
14 sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of
15 the horizontal distance from the street property line to the curblin, or six feet six inches,
16 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
17 business hours, may be directly illuminated.

18 (D) **Signs on Awnings and Marquees.** Sign copy may be located on
19 permitted awnings or marquees in lieu of projecting signs. The area of such sign copy as
20 defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be
21 nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters
22 or places of entertainment may be directly illuminated during business hours.

23 (E) **Freestanding Signs and Sign Towers.** With the exception of
24 automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4), one
25 freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the

1 building or buildings are recessed from the street property line. The existence of a
2 freestanding business sign shall preclude the erection of a freestanding identifying sign on the
3 same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
4 shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the
5 sign shall project more than 75 percent of the horizontal distance from the street property line
6 to the curblineline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly
7 illuminated; or during business hours, may be directly illuminated.

8 (3) **Mission Street NCT, NC-3, and NCT-3 Neighborhood Commercial**
9 **Districts.**

10 (A) **Window Signs.** The total area of all window signs, as defined in
11 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
12 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

13 (B) **Wall Signs.** The area of all wall signs shall not exceed three square
14 feet per foot of street frontage occupied by the use measured along the wall to which the
15 signs are attached, or 150 square feet for each street frontage, whichever is less. The height
16 of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the
17 height of the lowest of any residential windowsill on the wall to which the sign is attached,
18 whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

19 (C) **Projecting Signs.** The number of projecting signs shall not exceed
20 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32
21 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it
22 is attached, or the height of the lowest of any residential windowsill on the wall to which the
23 sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of
24 the horizontal distance from the street property line to the curblineline, or six feet six inches,
25 whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

1 (D) **Sign Copy on Awnings and Marquees.** Sign copy may be located
2 on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as
3 defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be
4 nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters
5 or places of entertainment may be directly illuminated during business hours.

6 (E) **Freestanding Signs and Sign Towers.** With the exception of
7 automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4) of this
8 Code, one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign
9 if the building or buildings are recessed from the street property line. The existence of a
10 freestanding business sign shall preclude the erection of a freestanding identifying sign on the
11 same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
12 shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the
13 sign shall project more than 75 percent of the horizontal distance from the street property line
14 to the curblin, or six feet, whichever is less. Such signs may be nonilluminated or indirectly
15 illuminated, or during business hours, may be directly illuminated.

16 (4) **Special Standards for Automotive Gas and Service Stations.** For
17 automotive gas and service stations in Neighborhood Commercial Districts, only the following
18 signs are permitted, subject to the standards in this Paragraph (f)(4) and to all other standards
19 in this Section 607.1.

20 (A) A maximum of two oil company signs, which shall not extend ~~more~~
21 ~~than 10 feet~~ above the roofline if attached to a building, or exceed the maximum height
22 permitted for freestanding signs in the same district if freestanding. The area of any such sign
23 shall not exceed 180 square feet, and along each street frontage, all parts of such a sign or
24 signs that are within 10 feet of the street property line shall not exceed 80 square feet in area.
25 No such sign shall project more than five feet beyond any street property line. The areas of

1 other permanent and temporary signs as covered in Subparagraph (B) below shall not be
2 included in the calculation of the areas specified in this Subparagraph.

3 (B) Other permanent and temporary business signs, not to exceed 30
4 square feet in area for each such sign or a total of 180 square feet for all such signs on the
5 premises. No such sign shall extend above the roofline if attached to a building, or in any case
6 project beyond any street property line or building setback line.

7 * * *

8 **SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.**

9 (a) The following districts are established for the purpose of implementing the
10 Commerce and Industry element and other elements of the General Plan, according to the
11 objective and policies stated therein. Description and Purpose Statements outline the main
12 functions of each Neighborhood Commercial (NC) District in the Zoning Plan for San
13 Francisco, supplementing the statements of purpose contained in Section 101 of this Code.

14 The description and purpose statements and land use controls applicable to each of
15 the general and individual area districts are set forth in *Sections 710.1 through 784* of this Code
16 for each district class. The boundaries of the various Neighborhood Commercial Districts are
17 shown on the Zoning Map referred to in Sections 105 and 106 of this Code, subject to the
18 provisions of that Section.

Neighborhood Commercial General Area Districts	Section Number
NC-1 - Neighborhood Commercial Cluster District	§ 710
NC-2 - Small-Scale Neighborhood Commercial District	§ 711
NC-3 - Moderate-Scale Neighborhood Commercial District	§ 712
NC-S - Neighborhood Commercial Shopping Center District	§ 713
<i>NCT-1 Neighborhood Commercial Transit Cluster District</i>	<i>§ 733A</i>

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<i>NCT 2 Small Scale Neighborhood Commercial Transit District</i>	§ 734
<i>NCT 3— Moderate Scale Neighborhood Commercial Transit District</i>	§ 731
<u>Named</u> Neighborhood Commercial <i>Individual Area</i> Districts	Section Number
Broadway Neighborhood Commercial District	§ 714
Castro Street Neighborhood Commercial District	§ 715
Inner Clement Street Neighborhood Commercial District	§ 716
Outer Clement Street Neighborhood Commercial District	§ 717
Upper Fillmore Street Neighborhood Commercial District	§ 718
Haight Street Neighborhood Commercial District	§ 719
<i>Hayes Gough Neighborhood Commercial Transit District</i>	§ 720
Upper Market Street Neighborhood Commercial District	§ 721
North Beach Neighborhood Commercial District	§ 722
Polk Street Neighborhood Commercial District	§ 723
Sacramento Street Neighborhood Commercial District	§ 724
Union Street Neighborhood Commercial District	§ 725
<i>Valencia Street Neighborhood Commercial District</i>	§ 726
<i>24th Street Mission Neighborhood Commercial District</i>	§ 727
24th Street-Noe Valley Neighborhood Commercial District	§ 728
West Portal Avenue Neighborhood Commercial District	§ 729
Inner Sunset Neighborhood Commercial District	§ 730
<i>Upper Market Street Neighborhood Commercial Transit District</i>	§ 732
<i>SoMa Neighborhood Commercial Transit District</i>	§ 735
<i>Mission Street Neighborhood Commercial Transit District</i>	§ 736
<i>Ocean Avenue Neighborhood Commercial Transit District</i>	§ 737
<i>Noriega Street Neighborhood Commercial District</i>	§ 739.1
<i>Irving Street Neighborhood Commercial District</i>	§ 735 § 740.1

<i>Taraval Street Neighborhood Commercial District</i>	<i>§ 736 §741.1</i>
<i>Judah Street Neighborhood Commercial District</i>	<i>§ 737 §742.1</i>
<i>Outer Mission Street Street Neighborhood Commercial District</i>	<i>§ 745.1</i>

(b) The following districts are Neighborhood Commercial Transit (NCT) Districts, including both general area districts and individual area districts identified by street or area name. These districts are a subset of the Neighborhood Commercial (NC) Districts.

<i>Neighborhood Commercial Transit Districts</i>	<i>Section Number</i>
<i>Hayes Gough Neighborhood Commercial Transit District</i>	<i>§ 720</i>
<i>Valencia Street Neighborhood Commercial Transit District</i>	<i>§ 726</i>
<i>24th Street – Mission Neighborhood Commercial Transit District</i>	<i>§ 727</i>
<i>NCT-3 – Moderate Scale Neighborhood Commercial Transit District</i>	<i>§ 731</i>
<i>Upper Market Street Neighborhood Commercial Transit District</i>	<i>§ 732</i>
<i>NCT-1 Neighborhood Commercial Transit Cluster District</i>	<i>§ 733A</i>
<i>NCT-2 Small Scale Neighborhood Commercial Transit District</i>	<i>§ 734</i>
<i>SoMa Neighborhood Commercial Transit District</i>	<i>§ 735</i>
<i>Mission Street Neighborhood Commercial Transit District</i>	<i>§ 736</i>
<i>Ocean Avenue Neighborhood Commercial Transit District</i>	<i>§ 737</i>
<i>Glen Park Neighborhood Commercial Transit District</i>	<i>§ 738</i>

<i>Neighborhood Commercial Transit Districts</i>	<i>Section Number</i>
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<i>NCT-1 Neighborhood Commercial Transit Cluster District</i>	<u>§ 733A</u>
<i>NCT-2 Small Scale Neighborhood Commercial Transit District</i>	<u>§ 734</u>
<i>NCT-3 - Moderate-Scale Neighborhood Commercial Transit District</i>	<u>§ 731</u>
<u>Named Neighborhood Commercial Transit (NCT) Districts</u>	<u>702.1</u>
<i>Hayes-Gough Neighborhood Commercial Transit District</i>	<u>§ 720</u>
<i>Valencia Street Neighborhood Commercial Transit District</i>	<u>§ 726</u>
<i>24th Street - Mission Neighborhood Commercial Transit District</i>	<u>§ 727</u>
<i>Upper Market Street Neighborhood Commercial Transit District</i>	<u>§ 732</u>
<i>SoMa Neighborhood Commercial Transit District</i>	<u>§ 735</u>
<i>Mission Street Neighborhood Commercial Transit District</i>	<u>§ 736</u>
<i>Ocean Avenue Neighborhood Commercial Transit District</i>	<u>§ 737</u>
<i>Glen Park Neighborhood Commercial Transit District</i>	<u>§ 738</u>

NCT Districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The district's form can be either linear along transit-priority corridors, concentric around transit stations, or broader areas where transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking

1 and loading on critical stretches of commercial and transit streets to preserve and enhance he
2 pedestrian-oriented character and transit function.

3

4 Section 5. Sheets ZN08 of the Zoning Map of the City and County of San Francisco is
5 hereby amended, as follows:

6

Use District to be Use District

7

Description of Property

Superseded

Hereby Approved

8

All parcels zoned NC-3

NC-3

Outer Mission Street

9

on Blocks 3147, 3148, 3206,

Neighborhood Commercial

10

3207, 3208A, 5893, 6013,

District

11

6014, 6083, 6084, 6272,

12

6346, 6347, 6408, 6409,

13

6410, 6411, 6412, 6463,

14

6796, 6797, 6798, 6799, 6800,

15

6802, 6803,

16

6954, 6955, 6956, 6957, 6959,

17

6968, 6969, 7029A, 7030,

18

All parcels zoned NC-2 on

NC-2

Outer Mission Street

19

Blocks 5868, 5869, 5892,

Neighborhood Commercial

20

5893, 6462, 6461, 6468, 6468A,

District

21

6469, 6470, 6471, 6472, 6473,

22

6474, 6804, 7031, 7043, 7044A,

23

7066, 7098, 7099, 7109, 7109A,

24

7142, 7143, 7144, 7145, and

25

7160

1 All parcels zoned NC-1 on NC-1 Outer Mission Street
2 Blocks 6404, 5405, 6413, Neighborhood Commercial
3 6414, 6446, and 6482 District
4 Block 6413, Lot 002; Block RH-1 Outer Mission Street
5 7030, Lots 022A, 035, and 036; Neighborhood Commercial
6 Block 6969, Lot 005G District
7

8 Section 6. Effective Date. This Ordinance shall become effective 30 days from the
9 date of passage.
10

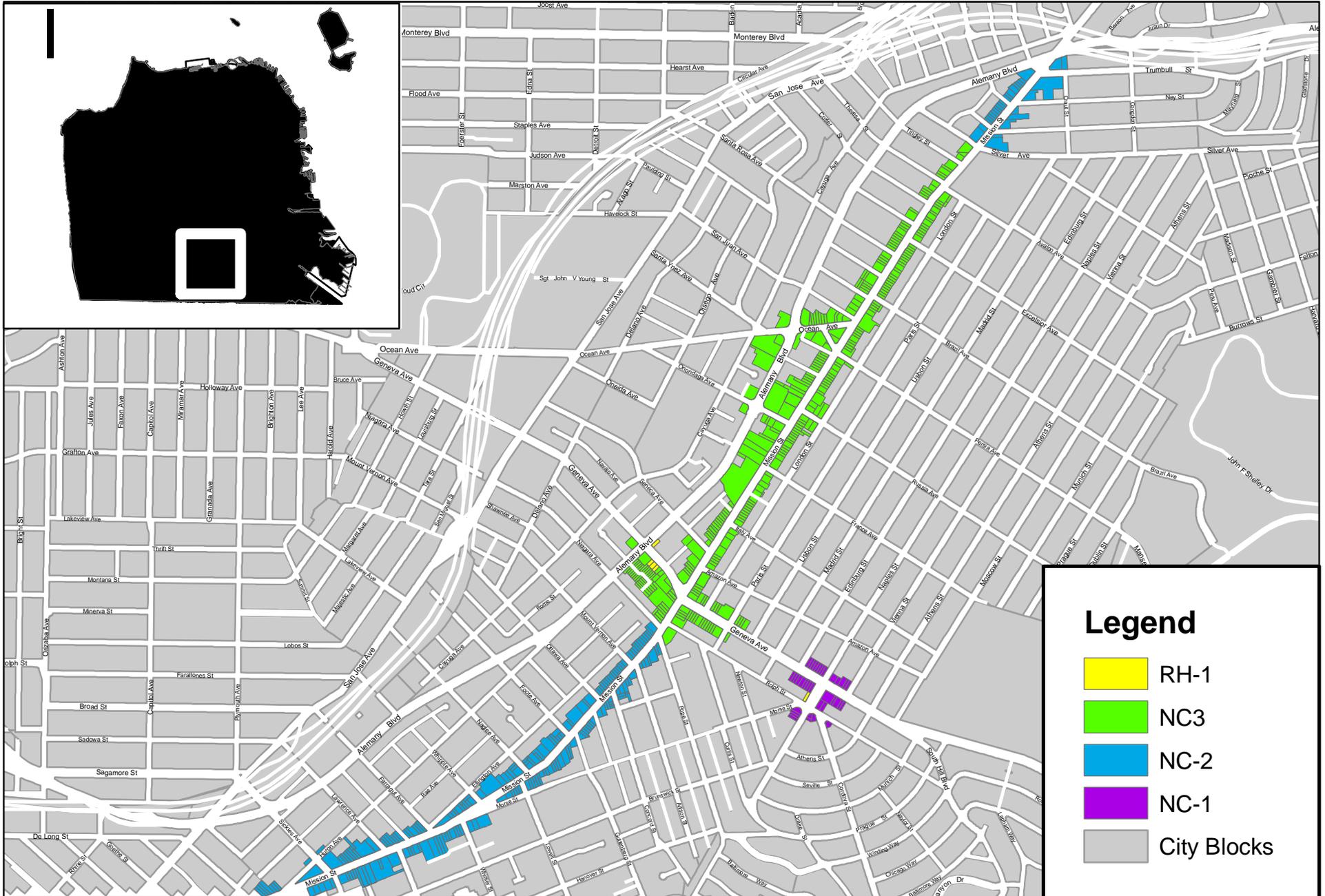
11 Section 7. This section is uncodified. In enacting this Ordinance, the Board intends to
12 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
13 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
14 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
15 Board amendment deletions in accordance with the "Note" that appears under the official title
16 of the legislation.
17

18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: _____
21 JUDITH A. BOYAJIAN
22 Deputy City Attorney
23
24
25

Exhibit C

Outer Mission Street NCD: Existing Zoning



0 800 1,600 3,200 Feet

Exhibit D

Outer Mission Street NCD: Proposed Zoning



Exhibit E: Map of Potential MCD Sites

Areas where MCDs might be able to locate are shown in blue



Exhibit F

263.20

(a) Intent. In order to encourage generous ground floor ceiling heights for commercial and other active uses, encourage additional light and air into ground floor spaces, allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and usability of front stoops, and create better building frontage on the public street, up to an additional 5' of height is allowed along major streets in NCT districts, or in specific districts listed below, for buildings that feature either higher ground floor ceilings for non-residential uses or ground floor residential units (that have direct walk-up access from the sidewalk) raised up from sidewalk level.

(b) Applicability. The special height exception described in this section shall only apply to projects that meet all of the following criteria:

(1) project is located in a 30-X, 40-X or 50-X Height and Bulk District as designated on the Zoning Map;

(2) project is located in one of the following Districts:

(A) in an NCT district as designated on the Zoning Map;

(B) in the Upper Market Street, Inner Clement Street, Outer Clement Street, Irving Street, Taraval Street, Noriega Street, Judah Street, 24th Street- Noe Valley, Divisadero Street, Outer Mission Street, and Fillmore Street NCDs;

~~(C)~~ on a NC 2 or NC 3 designated parcel fronting Mission Street, from Silver Avenue to the Daly City border;

~~(D)~~ on a NC-2 designated parcel on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 39th Avenue;

~~(E)~~ (D) on a NC-1 designated parcel within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; or

~~(F)~~ (E) on a NC-3 designated parcel fronting on Geary Boulevard from Masonic Avenue to 28th Avenue, except for parcels on the north side of Geary Boulevard between Palm Avenue and Parker Avenue;

~~(G)~~ (F) on a parcel zoned NC-1 ~~or NC 2 with a commercial use on the ground floor~~ on Noriega, Irving, Taraval, or Judah Streets west of 19th Avenue;

~~(H)~~ on a parcel zoned NC 1 or NC 2 with a commercial use on the ground floor on Irving Street west of 19th Avenue;

~~(I) on a parcel zoned NC 1 or NC 2 with a commercial use on the ground floor on Taraval Street west of 19th Avenue;~~

~~(J) on a parcel zoned NC 1 or NC 2 with a commercial use on the ground floor on Judah Street west of 19th Avenue;~~

(3) project features ground floor commercial space or other active use as defined by Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk grade, or in the case of residential uses, such walk-up residential units are raised up from sidewalk level;

(4) said ground floor commercial space, active use, or walk-up residential use is primarily oriented along a right-of-way wider than 40 feet;

(5) said ground floor commercial space or active use occupies at least 50% of the project's ground floor area; and

(6) except for projects located in NCT districts, the project sponsor has conclusively demonstrated that the additional 5' increment allowed through Section 263.20 would not add new shadow to any public open spaces.

(c) One additional foot of height, up to a total of five feet, shall be permitted above the designated height limit for each additional foot of ground floor clear ceiling height in excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised above sidewalk grade.



Exhibit G

SAN FRANCISCO
PLANNING DEPARTMENT

Certificate of Determination
EXCLUSION/EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2013.0281E
Project Title: Board File No. 130084 (Establishing the Outer Mission Street Neighborhood Commercial District)
Zoning: NC-1 (Neighborhood Commercial Cluster), NC-2 (Neighborhood Commercial, Small-Scale), NC-3 (Neighborhood Commercial, Moderate-Scale), and RH-1 (Residential, House Districts, One-Family)
Height-Bulk: Various
Block/Lot/ Lot Size: Various
Project Sponsor: Supervisor Avalos, District 11, San Francisco Board of Supervisors
Staff Contact: Joy Navarrete - (415) 575-9040
Joy.Navarrete@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The proposed project is an ordinance that would amend San Francisco Planning Code by adding Section 745.1, establishing the Outer Mission Street Neighborhood Commercial District (Outer Mission Street NCD) on parcels along Mission Street between Alemany Boulevard and the San Francisco-San Mateo county line; repealing the Section 785, Excelsior Alcohol Restricted Use District and adding controls on liquor establishments to the new NCD. The ordinance would also amend Sections 249.35, 263.20, 607.1, and 702.1 to make conforming and other technical changes. Zoning Map Sheet ZN08 would be changed to reflect the rezoning of parcels to the Outer Mission Street NCD.

[Continued on following page.]

EXEMPT STATUS:

General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3))

REMARKS:

Please see next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

Signature of Sarah B. Jones

Sarah B. Jones
Acting Environmental Review Officer

April 10, 2013
Date

cc: Aaron Starr, San Francisco Planning Dept.
Supervisor Avalos

Virna Byrd, M.D.F

PROJECT DESCRIPTION (CONTINUED):

The proposed ordinance would replace general zoning districts with a named NCD (Outer Mission Street NCD). Named NCDs allow zoning controls to be tailored to the needs of a particular neighborhood without affecting zoning districts in other parts of the City.

Section 745.1, the Outer Mission Street NCD, would allow generally the same permitted uses and development standards as the NC-2 which is the current zoning designation for parcels within the proposed new special use district. The primary change would be to include the provision allowing an additional 5-foot height increase under certain circumstances as specified in Planning Code 263.20. Section 263.20 provides a 5-foot height exception for active ground floor uses in Neighborhood Commercial Transit (NCT) Districts, the Inner Clement, Outer Clement, Irving Street, Judah Street, Upper Market Street, Noriega Street, and Taraval Street NCDs, and certain NC-1, NC-2 and NC-3 parcels. In addition, the 5-foot height exception has been proposed for Divisadero, Glen Park and Fisherman's Wharf areas. The 5-foot special height exception is applicable to properties that contain ground-floor commercial, other active, or residential uses, where the ground-floor commercial space or active use occupies at least 50 percent of the project's ground floor area, and where the project sponsor has conclusively demonstrated that the additional 5-foot increment would not add new shadow to any public open space. Furthermore, Planning Code Section 263.20 specifies that 1 additional foot of height, up to a total of 5 feet, is permitted above the designated height limit for each additional foot of ground floor clear ceiling height in excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised above sidewalk grade.

The 5-foot exception provided by Planning Code Section 263.20 is not sufficient to add another story but provides an incentive for developers to create lively ground-floor commercial spaces along NCD corridors. Older buildings along commercial streets in the 30-X, 40-X, and 50-X height districts are generally three or four stories with each story having a minimum of 12-foot clear ceiling heights, with spaces that are directly accessed from the street. The older residential buildings in these districts often have ground-floor units that are elevated several feet above the sidewalk level and include stoops to provide direct access to individual units. Newer buildings along commercial streets in the 30-X, 40-X and 50-X height districts, however, tend to have three, four or five 10-foot stories, and the residential buildings often contain a single ground-floor entrance lobby providing access to multiple dwelling units. These buildings generally lack visual interest and human scale and don't contribute to public life on the street. The intention of the 5-foot height exception is to encourage developers to incorporate the design elements of the older types of buildings into new commercial and residential development projects to offer more attractive uses that will better activate the public realm.

Figure 1 identifies the parcels proposed for the 5-foot height increase as part of the new Outer Mission Street NCD under proposed Board of Supervisors Ordinance No.130084.

REMARKS:

California Environmental Quality Act (CEQA) State Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the

environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Land Use. The proposed project would rezone parcels on Mission Street between Alemany Boulevard and the San Francisco-San Mateo County line currently zoned NC-3, and several zoned NC-1, RM-3, RM-4, and RH-3, to Outer Mission Street NCD. Parcels within the new NCD that are also in the 40-X and 50-X height and bulk district could be developed with projects up to 5 feet taller than other non-NCD properties in that height and bulk designation, as long as taller ground-floor retail space is included in the building design. All of the parcels are within the 40-X and 50-X height and bulk district.

The existing land use in the area covered by this legislation is generally ground-floor commercial uses with residential use on the upper floors, as well as multi-unit residential buildings. Most parcels are developed with a range of one- to eighteen-story buildings, though the majority of buildings are two- to four-stories in height. All parcels affected by this legislation that would be eligible for the additional 5-foot height are within an area where the existing buildings generally range from one- to four-story in height and with a commercial use on the ground floor with residential use on the upper floors.

Housing development is encouraged in new buildings above the ground floor in all NCDs. Future commercial growth is directed to the ground floor in order to promote more continuous and active retail frontage. The residential density would generally remain the same as the NC-3 district currently permits the same 1 unit per 600 square feet as the proposed Outer Mission Street NCD would. The residentially-zoned parcels would retain their current density in instances where it permits a higher density than 1 per 600 square feet. Therefore, there would not be any decrease in potential housing as a result of this rezoning.

A project could have a significant effect on land use if it would physically divide an established community; conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or have a substantial adverse impact on the existing character of the vicinity.

The proposed project would allow for slightly taller buildings to be constructed in the proposed Outer Mission Street NCD. However, this height would be consistent with other existing buildings in this area. The permitted land uses in this NCD would be similar to the existing NC-3 designation for the properties. Therefore, this rezoning would not be considered to cause a substantial adverse impact on the existing character of the NCD. Furthermore, the proposed project would not physically disrupt or divide an established community, or conflict with any land use plan, policy, or regulation that has been adopted for the purpose of avoiding or mitigating an environmental effect. For these reasons, the proposed project would not result in a significant effect on land use.

Visual Quality and Urban Design. The proposed project would increase maximum permitted building heights along the Outer Mission Street NCD. These parcels are located on Mission Street between Alemany Boulevard and the San Francisco-San Mateo County line. The proposed height exception would be minor, up to 5 feet, and would occur within a highly developed urban environment. The 5-foot height exception is not so great as to allow another story to be added to an existing building. The parcels that are subject to the proposed height increase are mostly adjacent to residential districts, zoned RM-3 (Low-Density Mixed Residential) and RM-4 (Residential House, One-Family), and all which are designated 40-X and 50-X. The development of individual NCD parcels to a height 5 feet above existing

height allowances could be noticeable to immediate neighbors; however, in the dense urban character of development within and surrounding the NCDs, this minor increase in height would have correspondingly minor visual impacts.

In reviewing visual quality and urban design under CEQA generally, consideration of the existing context is required, and evaluation must be based on the impact on the existing environment. That some people may not find a given development project attractive does not mean that it creates a significant aesthetic environmental impact; projects must be judged in the context of the existing conditions. For the proposed height exception, the context is urban right-of-way that is already developed. Given the context and the minor allowable increase of up to 5 feet and the incremental nature of such development along an NCD, the proposed height exception would be consistent with the existing, developed environment, and its visual effects would not be unusual and would not create adverse aesthetic impacts on the environment. Furthermore, it would not be likely to result in a substantial, demonstrable negative aesthetic effect, or obstruct or degrade scenic views or vistas now observed from public areas. Thus, the proposed project would result in less-than-significant impacts on visual quality and urban design.

In addition, the increased height allowed by the proposed legislation would not directly or indirectly contribute to the generation of any obtrusive light or glare. For all the above reasons, proposed legislation would not result in a significant adverse effect on public views or aesthetics.

Historic Resources. The proposed special height exception could result in increased building heights within a potential historical district or affect known historical resources. The allowable increase in height, however, would be minor (up to 5 feet) and in and of itself would not result in a material impairment to a historic district or historic building. Projects taking advantage of the height exception could involve the reuse and remodeling of existing historical buildings, but such a minor height increase could be accomplished maintaining the general scale, design, and materials of the historical resources, thereby maintaining their historic context. Any development proposal taking advantage of the height exception would be subject to further review for a determination of whether the project would result in potential impacts to the environment, including historic resources. The proposed legislation therefore would not result in a significant effect on historical resources.

Noise and Air Quality. The proposed special height exception of up to 5 feet would potentially result in an incremental increase in construction activities or greater intensity of use at future development project sites, in that such development projects that would occur regardless of the proposed legislation could be up to 5 feet taller. Thus, the resulting increase in operational or construction noise would be minimal, and noise and air quality impacts would be less than significant.

Shadow. Planning Code Section 263.20(b)(6) specifies that the 5-foot special height exception is applicable to properties where the project sponsor has conclusively demonstrated that the additional 5-foot increment would not add new shadow to any public open space. For this reason, the proposed legislation would not result in a significant impact with regard to shadow.

Light and Air. The 5-foot special height exception could result in slightly taller development projects that could potentially change or reduce that amount of light and air available to adjacent buildings. Any such changes could be undesirable for those individuals affected. Given the minor increase in height that would be permitted, it is anticipated that any changes in light and air would also be minor and would not affect a substantial number of people. Thus, the potential impact of the proposed legislation on light and air would not be significant.

Wind. The proposed legislation would allow a minor 5-foot increase in height for future development projects. The parcels affected by this legislation which would be eligible for an additional five-foot height increase are within the 40-foot and 50-foot height district; thus, the maximum resulting building height would be 45 feet or 55 feet, respectively. In general, buildings up to 55 feet in height do not result in wind speeds that would exceed the hazard criterion of 26 miles per hour for a single hour of the year as established in the Planning Code Section 148. For this reason, the proposed legislation would not result in a significant impact with regard to wind.

Cumulative Impacts. The proposed 5-foot height exception could potentially result in a minimal increase in construction activities and greater intensity of use at individual future development project sites, in that such development projects that would occur regardless of the proposed legislation could be up to 5 feet taller. This increase in activities and intensity of use would not be considered significant. Thus, cumulative impacts would be less than significant.

Neighborhood Concerns. A “Notification of Project Receiving Environmental Review” was mailed on March 28, 2013, to potentially interested neighborhood groups. No comments were received.

Conclusion. CEQA Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant impact on the environment. As noted above, there are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. Since the proposed project would have no significant environmental effects, it is appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)).

Attachment: Figure 1 - Map showing Parcels within the proposed Outer Mission Street NCD



Figure 1 Map showing the Proposed Outer Mission Street NCD